IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.9177 of 2007
Date of decision: 10.7.2007

Gaurav Dhawan.

-----Petitioner

Vs.

Guru Nanak Dev University, Amritsar and others.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

ORDER:

This petition seeks a direction to allow the petitioner to participate in the viva and award degree of B-Tech. (Computer Science & Engineering).

Case of the petitioner is that on 24.6.2003, the petitioner got admission in B.Tech, Computer Science in Guru Nanak Dev University, Amritsar. He cleared 1st semester of B.Tech but due to his mental status, he could not clear the paper of Mathematics-I. Thereafter, he cleared 2nd Semester, while he was undergoing regular treatment for his illness. He could not clear 3rd Semester, but was promoted to 4th Semester without being asked to complete 1st and 3rd Semesters. Result of his 4th Semester was not declared, but he was promoted to 5th

Semester and then to 6th Semester. Result of 7th Semester in which the petitioner appeared has also not been declared though he has been allowed to proceed on the training period of 15 months with the HCL Technologies Ltd. where he was placed as a Trainee with SPEG-2 of ERS-LOB at Noida. The petitioner successfully completed the training. He also completed the industrial training required for 8th Semester, but he was not allowed to attend viva. Father of the petitioner made a representation.

It has been further averred that as per calendar of the University, if a candidate does not pass all the courses of 1st Semester and 2nd Semester, he cannot be promoted to 3rd Semester. He is given a chance to reappear, but if he fails, he is not allowed to continue B-Tech. programme. Inspite of the said provision, the petitioner was allowed to join the next higher Semester and made to pay fee and after allowing the petitioner to continue upto this stage, he was not even allowed to participate in viva. In view of fact that even according to learned counsel for the petitioner and as per averments made in para 20 of the petition, the petitioner could not continue in the course, mere fact that he was allowed to illegally continue upto this stage, cannot be a ground to issue a direction to perpetuate illegality.

The writ petition is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

July 10, 2007
ashwani

(AJAI LAMBA)
JUDGE